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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,754	11/18/2003	Anne Vandette Reynolds	2742-1A	5270

7590 12/17/2004
Eric Fincham
316 Knowlton Road
Lac Brome, QC JOE 1V0
CANADA

EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,754

Applicant(s)

REYNOLDS ET AL.

Examiner

Jon A Szumny

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-15 is/are pending in the application.
4a) Of the above claim(s) 4-7 and 12-15 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 10 and 11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 11/18/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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This is the third office action for application number 10/715,754, Hands-Free Stylist Stand, filed on November 18, 2003.

Election/Restrictions

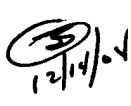
Claims 4-7 and 12-15 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

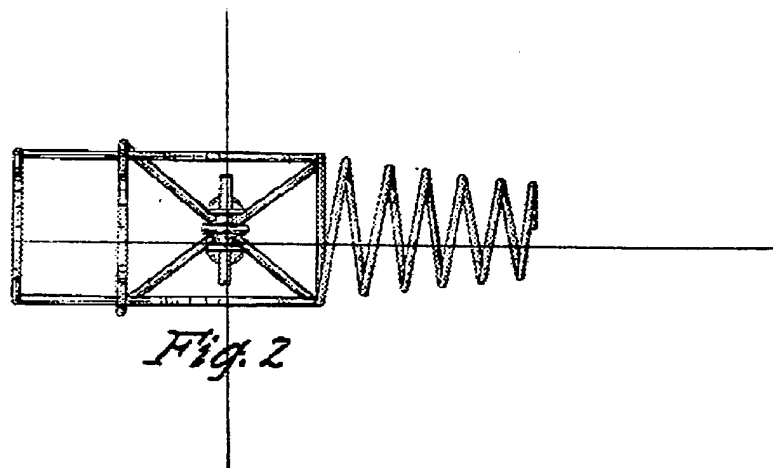
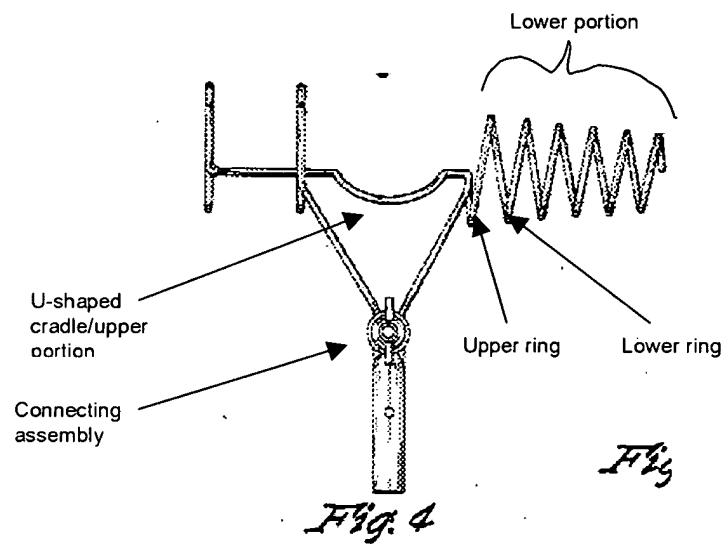
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

 Claim ~~10~~^{10 & 11} is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
AME

Regarding claim 10, the applicant recites that the upper portion of the cradle is U-shaped. However, claim 1 already specified the upper portion to be U-shaped in line 5. Hence, this is double inclusion.

Claim Rejections - 35 USC § 102

Claims 1-3, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent number Des. 222,964 to Woodbury in view of U.S. Patent number 6,409,131 to Bentley et al.



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Woodbury '964 discloses an assembly (above) comprising a cradle (above) having a lower portion (above) and an upper portion (above), the upper portion having a longitudinal axis lying in a first plane (above), the lower portion having an upper ring and a lower ring wherein the upper ring is larger than the lower ring, wherein the upper and lower rings have a central axis which lies in a second plane which is generally perpendicular to the first plane; a mounting means (above), and a connecting assembly (above) between the mounting means and the cradle that permits movement of the cradle in at least one plane; wherein the upper portion of the cradle is u-shaped, wherein the cradle is formed of rod members, wherein a first one of the rod members is secured to the upper ring (above). However, Woodbury '964 fails to specifically teach the connecting assembly to permit movement of the cradle in at least two/three mutually perpendicular planes. Nevertheless, Bentley et al. '131 teaches an assembly (figure 2) including a cradle (56), a mounting means (16) and a connecting assembly comprising a gooseneck (52,54) that allows movement of the cradle in at least two/three mutually perpendicular planes. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the connecting assembly of Woodbury '964 with that of Bentley et al. '131 so as to increase the utility of the assembly by providing for a more adjustable assembly.

Response to Arguments

Applicant's arguments filed August 9, 2004 have been fully considered but they are not persuasive.

The applicant contends that the two portions of the holder of Woodbury could not lie in generally perpendicular planes. This is not true. As shown above, the longitudinal axes of the two portions do in fact respectively lie in generally perpendicular planes.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

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The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is

(703) 308-1113.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a stylized flourish extending to the right.

Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
December 14, 2004